

**Notice of Allowability**

Application No.

10/757,466

Applicant(s)

SUGIMOTO, MASAHIKO

Examiner

Carramah J. Quiett

Art Unit

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/28/2008.
2. ☒ The allowed claim(s) is/are 2-3, 6-8, 10-11, and 14-16 (renumbered claims 1-10, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20080718</u> .             |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                                     |
|  | 9. <input checked="" type="checkbox"/> Other <u>The NEW DRAWINGS filed on 08/18/04 are<br/>ACCEPTED by the Examiner.</u> |



*Allowable Subject Matter*

1. **Claims 2-3, 6-8, 10-11, and 14-16** (renumbered claims 1-10, respectively) are allowed.
2. The following is an examiner's statement of reasons for allowance.

For **claim 2**, the prior art does not teach or fairly suggest a digital camera, wherein the controller increases the gain amount of the high-sensitive image signal and decreases the gain amount of the low-sensitive image signal when the diaphragm is set to an open side, whereas the controller decreases the gain amount of the high-sensitive image signal and increases the gain amount of the low-sensitive image signal when the diaphragm is set to a small-stop side, *in combination with the other claimed elements*.

For **claim 3**, the prior art does not teach or fairly suggest a digital camera, wherein when the controller increases the gain amount of the low-sensitive image signal, the controller decreases a synthesizing ratio of the low-sensitive image signal synthesized with the high-sensitive image signal, *in combination with the other claimed elements*.

Regarding **claims 10-11**, these claims are method claims corresponding to the apparatus claims 2-3, respectively. Therefore, method claims 10-11 are analyzed as previously discussed with respect to claims 2-3, respectively.

For **claim 6**, the prior art does not teach or fairly suggest a digital camera comprising: a controller, which operates in such a manner the smaller a stop amount of the diaphragm becomes, the smaller a synthesizing ratio of the low-sensitive image signal with respect to the high-sensitive image signal is decreased, *in combination with the other claimed elements*. Note: Please read section 3.

**Claims 7 and 8** are allowed because they each depend on claim 6.

Regarding **claims 14-16**, these claims are method claims corresponding to the apparatus claims 6-8, respectively. Therefore, method claims 14-16 are analyzed and allowed as previously discussed with respect to claims 6-8, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horiuchi (US Pat. 6801248)	Horiuchi teaches an image pickup device with two exposure amounts that are synthesized and reduced in a low pass filter. However, Horiuchi does not teach all of the limitations of claim 6 especially the low-sensitive image signal and the high-sensitive image signal from the solid state imaging element. Please refer to claim 6.
Sakamoto (US Pat. 7382403)	Sakamoto teaches an imaging apparatus provide with a synthesizing processing circuit for a high-sensitivity image signal and a low-sensitivity image signal. However, the date and the assignee information for the Sakamoto patent do not comply with the MPEP.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571)272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carramah J. Quiett/  
Examiner, Art Unit 2622  
July 18, 2008

*/Ngoc-Yen T. VU/  
Supervisory Patent Examiner, Art Unit 2622*